

1 HONORABLE RICHARD A. JONES
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 BOARDS OF TRUSTEES OF THE
14 PUGET SOUND ELECTRICAL
15 WORKERS HEALTHCARE TRUST, et
16 al.,

Plaintiffs,

17 v.
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CEC ELECTRICAL CONTRACTING
19 LLC, et al.,

Defendants.

CASE NO. C18-1166 RAJ

ORDER

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21 This matter comes before the Court on Plaintiffs' "Response to Minute Order at
22 Dkt. 8 and Renewed Motion to Extend the Deadline to Serve Defendant John W. Chase
23 And to for [sic] Alternative Service" (Dkt. # 12) and "Motion to Enlarge Time to for [sic]
24 Process Service on Defendant John W. Chase" (Dkt. # 14). No response has been filed to
25 either of Plaintiffs' Motions. For the reasons that follow, the Court **GRANTS** Plaintiffs'
26 Motions. Dkt. ## 12, 14.
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1 Plaintiffs request another extension to perfect service on Mr. Chase, and for
2 authorization to serve Mr. Chase via publication pursuant to Fed. R. Civ. P. 4(e)(1) and
3 RCW 4.28.100. Dkt. # 14 at 4. Federal Rule of Procedure 4(e)(1) allows Plaintiff to
4 effect service “pursuant to the law of the state in which the district is located.”
5 Washington law holds that “[s]ubstitute service by mail or constructive service by
6 publication is permissible when the plaintiff sets forth the following facts: (1) that the
7 defendant could not be found in Washington after a diligent search, (2) that the defendant
8 was a resident of Washington, and (3) that the defendant had either left the state or
9 concealed himself within it, with intent to defraud creditors or avoid service of process.”
10 *Pascua v. Heil*, 126 Wn. App. 520, 526, 108 P.3d 1253 (2005); *see also* RCW
11 4.28.100(2).

12 Plaintiffs have established all the necessary requirements to warrant service by
13 publication under Washington law. Plaintiffs have filed a declaration showing that they
14 have made repeated attempts to locate and contact Mr. Chase through mail and personal
15 service at multiple addresses, with no success. Dkt. # 15, ¶¶ 3-10. Plaintiffs have hired
16 investigators and conducted skip trace investigations to determine the proper service
17 address for Mr. Chase, and have located personal service addresses at Mr. Chase’s
18 property in Washington, to no avail. Plaintiffs have also shown that Mr. Chase was at
19 one point a Washington resident, and is either still in Washington but is concealing
20 himself or has personally exited Washington to avoid service. *Id.* at ¶¶ 3-10, Exs. 2-9.
21 Plaintiffs have attempted to serve Mr. Chase at least twelve times, at multiple addresses,
22 but it appears that he is avoiding service. *Id.*

23 Accordingly, Plaintiffs’ Motions are **GRANTED**. Dkt. ## 12, 14. Plaintiffs are
24 directed to promptly initiate service by publication on Defendant John W. Chase under
25 RCW 4.28.100, 4.28.110, and Fed. R. Civ. P. 4(e). Plaintiffs are authorized to execute
26 the proposed summons at Dkt. # 14-2, as specified by RCW 4.28.110, for purposes of
27 service by publication. Furthermore, the time to serve Defendant John W. Chase is

1 || enlarged ninety (90) days from the date of this order. No further extensions will be
2 granted.

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4 Dated this 20th day of May, 2019.

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8 The Honorable Richard A. Jones
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10 United States District Judge
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